IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

CALVIN PERRY,

Petitioner,

v.

Civil Action No. 3:10CV711

THE WARDEN OF SUSSEX II STATE PRISON,

Respondent.

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on November 4, 2010, the Court directed Petitioner, within fifteen (15) days of the date of entry thereof, to complete and return an affidavit in support of his request to proceed or pay the \$5.00 filing fee. More than fifteen (15) days have passed and Petitioner has not returned the required *in forma pauperis* affidavit or paid the filing fee. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE. The Court will DENY a certificate of appealability.

An appropriate Order shall issue.

Date: /-18-11

Richmond, Virginia

James R. Spencer

Chief United States District Judge